

REMARKS

This application has been reviewed in light of the Office Action dated February 13, 2003. Claims 1, 2, 23-25, 26, 40, and 47-54 are now pending. Claims 3-22, 27-39, and 41-46 have been canceled without prejudice and without disclaimer of subject matter. Claims 23-25 and 40 have been amended to even further clarify the claimed subject matter.

Initially, the Office Action does not address Claims 1-22, 26-39, and 41-46 on the merits at all, and also does not specify their status.¹ Since Claims 1, 2, and 26 remain pending, and none of those claims was addressed on the merits in the Office Action, any next Office Action must, of course, be made non-final.

The Examiner is thanked for the indication that Claims 24 and 25 (which were objected to in the Office Action) would be allowable if rewritten in independent form, and with no change in scope. Those claims have not been so rewritten at this time, since the base claim from which each depends is believed patentable, for the reasons discussed below.

The Office Action states that the Information Disclosure Statement filed on October 17, 2001 fails to comply with 37 C.F.R. §§ 1.98(a)(1) and (a)(2), which require a list of all patents, publications, or other information submitted for consideration by the USPTO, and legible copies of any such patents, publications, and/or information,

¹/ Although the Office Action Summary attached to the Office Action states that "claim(s) 1-22, 36-39 and 41-46 is/are withdrawn from consideration", no such statement is included in the Office Action. Also, neither the Office Action itself nor the Office Action Summary mentions Claims 26-35.

respectively. However, Applicants respectfully submit that the Information Disclosure Statement (IDS) which was filed in the USPTO on October 17, 2001 *did* list on an accompanying Form PTO-1449 all of the references cited therein, and copies of those references were submitted with that IDS. Apparently, those copies were misplaced within the USPTO. Nonetheless, as a convenience to the Examiner, further copies of those references were submitted to the USPTO with the Submission of Information Disclosure Documents filed on March 12, 2003.² Accordingly, it is respectfully requested that the Examiner consider those references and return an initialed copy of the Form PTO-1449 listing those references, to confirm that the references have been considered and made of record in this application.

The drawings were objected to because, according to the Office Action, "reference character '1221' [shown in Figs. 27-30 and 41b] has been used to designate both a low resistance film and an electrode." Applicants respectfully traverse this objection because the specification, at least at page 68, line 25, clearly refers to "an electrode (resistance film) . . . formed on the spacer, . . .," and thus the specification provides support for the use of "resistance film" and "electrode" interchangeably. Accordingly, the use of reference numeral "1221" to designate the relevant low resistance film and electrode is

^{2/} Also submitted with the Submittal of Information Disclosure Documents was a copy of the stamped postcard evidencing that the documents cited in the Information Disclosure Statement filed on October 17, 2001 were received by the USPTO.

believed appropriate, and Applicants therefore respectfully request withdrawal of the present objection to the drawings.

The drawings also were objected to because, according to the Office Action, "reference characters '555' and '557' [shown in Fig. 58] have both been used to designate first glass." Applicants have amended the specification as deemed necessary to overcome this objection. In particular, the paragraph appearing at page 106, lines 7-16 has been amended to specify that the first glass disposed adjacent the spacer 554 is further identified by reference numeral 557 (as distinguished from the first glass disposed adjacent the frame 553). It is believed that the use of reference numeral 557 to further identify the particular first glass disposed adjacent the spacer 554 is appropriate, and Applicants therefore respectfully request withdrawal of the present objection to the drawings.

The Office Action at pages 3 and 4 objected to the specification under Section 608.01(g) of the M.P.E.P. and under 37 C.F.R. § 1.71, asserting at page 4, that "... the disclosure related to the non-elected claims should be removed from the case." This objection is respectfully traversed. Applicants have carefully reviewed M.P.E.P. § 608.01(g) and 37 C.F.R. § 1.71, but have found nothing in either of those sections that would require the removal of subject matter supporting non-elected claims from a specification, after an election is made in response to a restriction requirement.³ Indeed,

3/ If the Examiner believes otherwise, she is respectfully requested to either point out which specific portion of M.P.E.P. § 608.01(g) and 37 C.F.R. § 1.71 she believes requires the removal of non-elected subject matter from a specification, or identify case law or
(continued...)

Applicants believe that the specification complies fully with the requirements of those sections. Moreover, Applicants respectfully reserve the right to maintain all of the original subject matter in this application, in order to ensure that the scope of the pending claims is not construed in an unnecessarily limited manner in the future, and to avoid any possible prejudice or disclaimer of subject matter. For these reasons, Applicants respectfully request withdrawal of the present objection to the specification.

On page 5 of the Office Action, the specification also was objected to for the reasons given on that page. In particular, the Examiner has objected to the use of the terms "Ω/□" and "R/□". The Examiner is respectfully requested to note that these terms represent ohms per square and sheet resistance per square, respectively, which are well known terminologies in the art. See, e.g., Handbook of Thin Film Technology, Edited by Leon I. Maissel and Reinhard Glang, 1970, 18-4. Accordingly, the use of the terms (which are well known) in the specification is believed appropriate, and therefore Applicants respectfully request withdrawal of the objection to those terms.

Page 5 of the Office Action also objects to "the use [on page 97] of the label T . . . for both the thickness of the plate spacer and the frame", and asserts that "[t]here is an inconsistency in the use of the terminology regarding the thickness of the frame[, in particular t]he label T is used for the thickness, yet the ratio is defined as length-to-width." However, on page 97 the term "T" is used in conjunction with the plate spacer 535 only,

3/ (...continued)

USPTO guidelines which she believes support her position.

and thus the use of that term on page 97 is believed appropriate and non-inconsistent.

Also, it is not understood how the use of one term, namely "T", to define a thickness, could be considered inconsistent with a ratio defined in terms of length and width, especially since a thickness and a ratio define separate things.

For these reasons, the present objection is respectfully traversed, and withdrawal of the objection is therefore respectfully requested.

If, after considering these remarks, the Examiner nonetheless still believes that the term "T" and the terminology regarding the frame thickness and ratio are inappropriate, she is respectfully requested to point out which particular sentence(s) of the specification she believes include the inappropriate terms, and why it is inconsistent and objectionable to define a thickness in terms of a label "T" and a ratio in terms of a length and width, where they each represent separate things.

Claim 24 was objected to because, according to the Office Action, "A/S" should be --S/A--. This objection also is respectfully traversed. Claim 24 recites explicitly a ratio of an internal area A of the enclosure (on a cross section horizontal to one of the first and second substrates) to a total cross-sectional area S of the plurality of spacers. In other words, the ratio is defined in terms of the internal area A to the total cross-sectional area S, and thus may be represented as A:S, or, as recited in Claim 24, A/S. Accordingly, the recitation of A/S in Claim 24 is believed appropriate, and thus Applicants respectfully request withdrawal of the objection to that claim.

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inserted between the electron source substrate and the image formation substrate and are placed on the row wires, each having a width larger than that of an individual column wire.

Spindt relates to a flat panel device including a thermionic cathode or a field emitter cathode, a faceplate 102, a backplate 103, and a spacer for providing an internal support of the device. The thermionic cathode includes cathode wires 209, and directional electrodes 210 formed on spacer walls 207 (or may be formed on backplate 203). In Fig. 2 of Spindt, the spacer wall 207 is disposed between two directional electrodes 210.

Fig. 4 of Spindt shows a flat display panel 300 including a face plate 302, backplate 303, and spacer walls 308. Field emission cathode 305 includes electron-emissive elements (field emitters) 309, emitter electrode lines 310, gate electrode lines 311, and an electrically insulating layer 312. The spacer walls 308 extend towards areas between field emitter 309 and also between emitter electrode lines 310 (see col. 11, lines 54-56).

Applicants respectfully submit that, even if Spindt be deemed to refer to the foregoing features, that reference is not seen to teach or suggest plural spacers, each of which is placed on a corresponding one of a plurality of wires, as recited in Claim 23. Neither is Spindt seen to teach or suggest a plurality of wires including wires on which spacers are placed and wires on which no spacers are placed, as recited in Claim 23, and spacers inserted between an electron source substrate and an image formation substrate and placed on row wires, wherein each row wire has a width larger than that of a column wire, as recited in Claim 40.

For these reasons, Claims 23 and 40 are each deemed clearly patentable over Spindt.

Added independent Claim 49 recites features that are similar in many relevant respects to those of Claim 23, including that each spacer is placed on a corresponding one of (row directional) wires, and that the number of wires on which no spacers are placed between neighboring spacers falls within the range of 5 to 50. Added independent Claim 52 is directed to an image formation apparatus, and recites features that are similar in many respects to those recited in Claim 40, including that each row directional wire has a width larger than that of a column directional wire. For substantially the same reasons as those given above in connection with Claims 23 and 40, respectively, Claims 49 and 52 also are believed to be clearly patentable over Spindt.

The other, dependent claims remaining in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons as are those independent claims. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



A handwritten signature in dark ink, appearing to read "Frank J. Celli", is written over a horizontal line.

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